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7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 RICHARD LEE COOK ,
14 Defendant.

Case No.: 2:15-cr-100-JAD-GWF

STIPULATION TO EXTEND
MOTION DEADLINES
(Second Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
16 States Attorney, and Robert Knief, Assistant United States Attorney, counsel for the United States
17 of America, and Rene L. Valladares, Federal Public Defender, and BRENDA WEKSLER, Assistant
18 Federal Public Defender, counsel for RICHARD LEE COOK, that the parties herein shall have to
19 and including June 30, 2015, by the hour of 4:00 p.m., within which to file any and all pretrial
20 motions and notices of defense.

21 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
22 have to and including July 14, 2015, by the hour of 4:00 p.m., within which to file any and all
23 responsive pleadings.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
25 have to and including July 21 2015, by the hour of 4:00 p.m., within which to file any and all replies
26 to dispositive motions.

27 This Stipulation is entered into for the following reasons:
28

1 1. The client is in custody and does not oppose the continuance.

2 2. Since the filing of the previous stipulation, undersigned counsel for defense has been
3 diligent in the process of investigating and researching the case but needs additional time.

4 3. The additional time requested herein is not sought for purposes of delay, but merely
5 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit
6 appropriate pretrial motions.

7 4. Denial of this request for continuance would deny counsel for the defendant sufficient
8 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking
9 into account the exercise of due diligence.

10 5. Additionally, denial of this request for continuance could result in a miscarriage of
11 justice. The additional time requested by this Stipulation is excludable in computing the time within
12 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
13 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors
14 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

15 6. This is the Second stipulation to continue filed herein.

16 DATED: June 15, 2015

17
18 RENE L. VALLADARES
19 Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

20 By: /s/ Brenda Weksler
21 BREND A WEKSLER,
Assistant Federal Public Defender

By: /s/ Robert Knief
ROBERT KNIEF,
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD LEE COOK ,

Defendant.

Case No.: **2:15-cr-100-JAD-GWF**

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. Since the filing of the previous stipulation, undersigned counsel for defense has been diligent in the process of investigating and researching the case but needs additional time.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6. This is the Second stipulation to continue filed herein.

For all of the above-stated reasons, the ends of justice would best be served by an extension of the motion dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A), when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED, that the parties herein shall have to and including June 30, 2015, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notices of defense.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including July 14, 2015, by the hour of 4:00 p.m., within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including July 21 2015, by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

DATED 17th day of June, 2015.


UNITED STATES MAGISTRATE JUDGE